



February 19, 1999

Captain Robert Taylor
Amarillo Police Department
200 E. Third Street
Amarillo, Texas 79101-1515

OR99-0505

Dear Captain Taylor:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 122281.

The Amarillo Police Department (the “department”) received an open records request for all police reports in which a named individual sought police assistance with regard to another named individual. You have identified four incident reports coming within the ambit of the request. You contend that the reports are excepted from required public disclosure pursuant to subsections 552.108(a)(1) and (a)(2) of the Government Code.

Section 552.108(a)(1) of the Government Code excepts from required public disclosure “[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . if . . . release of the information would interfere with the detection, investigation, or prosecution of crime[.]” Because you have informed us that Incident Report #98-14320 pertains to a pending criminal prosecution, we conclude that you have met your burden of establishing that the release of the information at issue could interfere with law enforcement. The department therefore may withhold most of the information at issue at this time pursuant to section 552.108(a)(1).

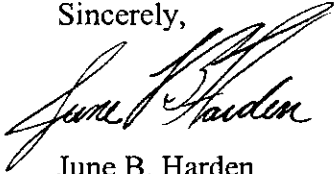
Section 552.108(a)(2) of the Government Code excepts from required public disclosure “[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . if . . . it is information that deals with the detection, investigation, or prosecution of crime only in relation to an investigation that did not result in conviction or deferred adjudication.” You have informed us, and the records before us

reflect, that the investigations pertaining to Incident Reports #93-12180, #97-78802, and #98-15961, have been closed without a resulting conviction or deferred adjudication. We therefore conclude that you have met your burden of establishing the applicability of section 552.108(a)(2) to these three reports and that most of the information contained therein may be withheld.

Section 552.108 does not, however, except from required public disclosure "basic information about an arrested person, an arrest, or a crime." Gov't Code § 552.108(c). Because you have raised no other exception to disclosure, the department must release these types of information from all four of the incident reports to the requestor in accordance with *Houston Chronicle Publ'g Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976).

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,



June B. Harden
Assistant Attorney General
Open Records Division

JBH/RWP/ch

Ref.: ID# 122281

Enclosures: Submitted documents

cc: Mr. Tate J. Eldridge
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(w/o enclosures)